

### **REMARKS**

This responds to the Office Action dated May 24, 2007.

Claims 1, 24 and 27 are amended, claim 25 is canceled, and claims 34-38 are added; as a result, claims 1-13 and 24-38 are now pending in this application.

Claims 34-38 are new. Applicant respectfully submits claims 34-38 are allowable at least as dependent claims of allowable base claims 1, 11 and 24, respectively.

### **Interview Summary**

Applicant's representative greatly appreciates the courtesies extended during the interview with Examiners Smith and Evanisko on July 18, 2007. The office action, claims and cited references were discussed. The Examiners indicated that the presently presented claims should distinguish over the cited references and would accordingly reexamine the application.

Applicant respectfully requests that if the presently presented claims do not result in an allowance in the next office communication that the Examiner call Applicant's representative at 612-371-2117 to facilitate prosecution of the application.

### **§112 Rejection of the Claims**

Claim 27 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant appreciates the suggestion provided by the Examiner and has amended claim 27 accordingly. Applicant respectfully submits the amendment to claim 27 more clearly recites that which was already stated in the claim.

Reconsideration and allowance of claim 27 are respectfully requested.

### **§102 Rejection of the Claims**

Claims 11-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Verness et al. (U.S. Patent No. 6,285,910).

Applicant respectfully traverses the rejections of claims 11-13 for at least the following reasons. Applicant cannot find in Verness, for example, means for detecting wear of the

insulating layer, wherein the means for detecting wear is disposed within the insulating layer, as recited in claim 11. Claims 12 and 13 depend from claim 11 and thereby include all of its recitations.

Additionally, Applicant respectfully submits claim 11 is a means plus function claim under 35 U.S.C. § 112, paragraph 6. MPEP § 2183 requires the Office Action to make a prima facie case of equivalence under 35 U.S.C. § 112, paragraph 6 including an explanation or a rationale as to why the disclosure of the cited reference is equivalent to the corresponding elements disclosed in the specification. The Office Action has not presented an explanation or a rationale as to why the disclosure of Verness is equivalent to the corresponding elements disclosed in the specification as required by the MPEP § 2183. Applicant respectfully submits that the cited reference does not appear to disclose an equivalent to the corresponding elements disclosed in Applicant's specification, for instance, Figures 3-12, and the associated written description (e.g., page 2, ll 11-23; page 7, ll 15 to page 11, ll 19; page 12, ll 1-6; and page 13, ll 3-13).

Per the Examiner's request in the interview, Applicant has more succinctly listed the figures and written description corresponding to the means plus function element recited in claim 11, as described above. Applicant respectfully requests further clarification from the Examiner if the listed figures and written description are not deemed sufficient to overcome the rejections.

Reconsideration and allowance of claims 11-13 are respectfully requested.

Claims 1-13 and 24-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yang et al. (U.S. Patent No. 5,824,030).

Applicant respectfully traverses the rejections of claims 1-13 and 24-33 for at least the following reasons. Applicant cannot find in Yang, for example, at least one conductive sleeve disposed within the insulating layer, the at least one conductive sleeve surrounds the conductor and extends axially along the conductor, wherein the at least one conductive sleeve is electrically isolated from the electrode and the conductor, the at least one conductive sleeve has a first impedance value in a first condition, and the at least one conductive sleeve is adapted for electrical isolation from a surrounding environment in the first condition, as recited in claim 1. Claims 2-10 depend from claim 1 and thereby include all of its recitations. Moreover, Applicant

cannot find in the cited reference, at least one conductive sleeve interposed between the lead body exterior and the conductor, the at least one conductive sleeve at least partially surrounds the conductor, the at least one conductive sleeve axially extends along the conductor, wherein the at least one conductive sleeve is electrically isolated from the electrode and the conductor, the at least one conductive sleeve has a first impedance value in a first condition, and the at least one conductive sleeve is electrically isolated from a surrounding environment in the first condition, as recited in claim 24. Claims 25-33 depend from claim 24 and thereby include all of its recitations.

Further, Applicant cannot find in the cited reference, means for detecting wear of the insulating layer, wherein the means for detecting wear is disposed within the insulating layer. Claims 12 and 13 depend from claim 11 and thereby include all of its recitations. As described above, Applicant submits claim 11 is a means plus function claim under 35 U.S.C. § 112, paragraph 6, and the cited reference does not appear to show an equivalent to the corresponding elements disclosed in Applicant's specification, for instance, Figures 3-12, and the associated written description (e.g., page 2, ll 11-23; page 7, ll 15 to page 11, ll 19; page 12, ll 1-6; and page 13, ll 3-13).

Reconsideration and allowance of claims 1-13 and 24-33 are respectfully requested.

#### Double Patenting

Claims 24 was objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 1. Applicant respectfully traverses this rejection, and submits claim 24 is not a duplicate of claim 1.

Reconsideration and allowance of claim 24 are respectfully requested.

**CONCLUSION**

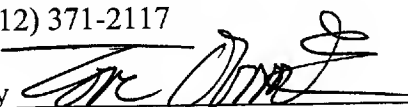
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

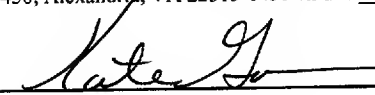
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Date 8/24/07

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of August 2007.

  
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